

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NEW YORK**

DEGELMAN INDUSTRIES LTD.,

Plaintiff,

vs.

**PRO-TECH WELDING AND FABRICATION,
INC. and
MICHAEL P. WEAGLEY,**

Defendants.

**Civil Action No.
06-CV-6346**

**DEGELMAN INDUSTRIES LTD'S NOTICE OF MOTION TO PRECLUDE
DEFENDANTS' EXPERTS NICHOLAS P. GODICI, ALAN P. DOUGLAS, JERRE
HEYER, AND WILLIAM M. LEONARD**

PLEASE TAKE NOTICE that Plaintiff Degelman Industries, Ltd. by and through their attorneys, based upon (1) this Notice of Motion; (2) Memorandum of Law in Support of Degelman Industries, Ltd.'s Motion to Preclude Experts; (3) and Declaration of Michael A. Oropallo, with exhibits thereto, will move this Court, at a motion term to be held at the United States Courthouse, 100 State Street, Rochester, New York, at a date and time to be set by this Court, for an Order Precluding Defendants from using and/or introducing testimony, reports, or other evidence and materials from Nicholas P. Godici, Alan P. Douglas, Jerre Heyer, and William M. Leonard during the proceedings in this action, and for such other and further relief as the Court deems just and appropriate.

PLEASE TAKE FURTHER NOTICE that Plaintiff Degelman Industries, Ltd. requests oral arguments at a date and time to be set by this Court, pursuant to Local Rule 7.3.

PLEASE TAKE FURTHER NOTICE that Defendants Pro-Tech Welding and Fabrication, Inc. and Michael P. Weagley are required, pursuant to Local Rule 7.1(c), to file and serve opposing papers at least eight (8) business days prior to the return date, and that Plaintiff Degelman Industries, Ltd. are required to file and serve reply papers at least three (3) business days prior to the return date, unless otherwise ordered by this Court.

Respectfully submitted,

HISCOCK & BARCLAY, LLP

Dated: October 23, 2009

By: s/Michael A. Oropallo
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